

REMARKS

Claims 1-23 are pending in the application. Applicant has added new claims 24-28. Claims 1, 4, 5, and 16-19 are rejected under 35 U.S.C. §102(b) as being anticipated by Jingu (U.S. Patent No. 5,537,127) ("Jingu"). Claims 3, 6, 10, 11, and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jingu in view of Suzuki (U.S. Patent No. 6,344,836) ("Suzuki"). Claims 2 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jingu in view of Inbar (U.S. Patent No. 6,119,380) ("Inbar"). Claims 7, 9, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jingu in view of Yishida et al. (U.S. Patent No. 5,617,112) ("Yishida"). Claims 13, 14, and 20-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jingu in view of Berman et al. (U.S. Patent No. 6,448,956) ("Berman"). Applicant has added new claims 24-28 to more particularly claim the invention and to submit the following arguments to traverse the prior art rejections.

Applicant's invention relates to a medical image display system. Applicant refers the Examiner to the description of the Applicant's invention and the references Suzuki and Yoshida, in the July 10, 2003 Amendment under 37 C.F.R. §1.111.

Rejection Of Claims 1, 4, 5, And 16-19 Under §102(b) Over Jingu

Jingu relates to an image monitor system console including an upper and lower stage monitor units accommodated within a console body and arranged in a vertical state. The monitor units are connected to each other to be relatively tiltable. There is also an inclination angle changing assembly connected to the monitor units for changing vertical inclination angles of the

monitor units in a direction towards observers sitting and/or standing in front of the system console.

Applicant respectfully submits that claim 1 is patentable because Jingu fails to teach or suggest each and every element of the claim. For example, Jingu fails to teach or suggest “a medical image display system comprising a plurality of flat panel displays,” as recited in combination with other elements of claim 1. To the contrary, Jingu merely teaches the use of cathode ray tube displays. Col. 4, lines 60-62, col. 5, lines 18-20. In Jingu, there is no mention of any sort of flat panel displays. Thus, claim 1 is not anticipated by Jingu and patentable.

Claims 4, 5, and 16-19, which depend from claim 1, are patentable for at least the above reasons submitted for claim 1.

Rejection Of Claims 3, 6, 10, 11, And 15 Under §103(a) Over Jingu In View Of Suzuki

Applicant submits that claims 3, 6, 10, 11, and 15 are patentable for at least the reasons submitted for claim 1 and because Suzuki fails to make up for the deficiencies of Jingu.

In addition, or alternatively, Applicant submits that the Examiner has not established a prima facie case of obviousness because Suzuki teaches away from what is taught by Jingu. In Jingu, a plurality of CRT displays are arranged in a single console. Suzuki, however, teaches having a plurality of displays each of which are placed a different locations (Figs. 5-7) or teaches having separate individual displays, where all the individual displays are not enclosed in a single casing (Fig. 7). Thus, one skilled in the art would not be motivated to combine the teachings of Suzuki and Jingu given their opposite teachings.

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Furthermore, Applicant respectfully submit that the Examiner is incorrect in characterizing the movement of a cursor of Suzuki as disclosing the claimed function for moving an image displayed on each of said plurality of panel displays. Such an argument is not supportable given that the claim recites a function for scaling an image displayed on each of said plurality of flat panel displays, and the reference provides no teaching, suggestion, or motivation for such function as applied to a cursor.

Alternatively, or in addition, claim 6 is patentable because Suzuki fails to recite a medical image display system wherein one display has at least one of screen size, pixel size, number of pixels, and an aspect ratio which is different from the other a plurality of displays. Suzuki only discloses displays with same number of pixels, aspect ratio, and color depth, and makes no disclosure of two displays which are different in at least one of the features recited in claim 6 (col. 5, lines 32-43).

Applicant also submits that claim 11 is also patentable because Suzuki fails to recite the designation of an image on one display and displaying an enlarged or image-processed image of the designated image on another display.

Rejection Of Claims 2 And 8 Under §103(a) Over Jingu In View Of Inbar

Inbar relates to a transparency viewing device for holding and illuminating x-ray transparencies. Applicant submits that claims 2 and 8, which depend from claim 1, are patentable for at least the reasons submitted for claim 1 and because Inbar fails to make up for the deficiencies of Jingu.

Rejection Of Claims 7, 9, And 12 Under §103(a) Over Jingu In View Of Yishida

Claims 7, 9, and 12, which depend from claim 1, are patentable for at least the reasons submitted for claim 1 and because Yishida fails to make up for the deficiencies of Jingu.

In addition, or alternatively, claim 7 is patentable because the references fail to teach or suggest wherein in each of said plurality of flat panel displays, a display screen size in a diagonal line direction is 10 inches to 25 inches, a pixel size is 50 μm to 240 μm , the number of pixels is 1200 pixels \times 1600 pixels or more, and an aspect ratio is 1 to 4/3, in combination with other elements of the claim. In the rejection, the Examiner relies on In re Rose and other case law, to support the proposition that a "change in range" is not patentable. However, "[t]his method of analysis is founded on legal error because it substitutes supposed per se rules for the particularized inquiry required by section 103. It necessarily produces erroneous results." In re Ochiai, 71 F.3d 1565, 1570 (Fed. Cir. 1995). In fact, in In re Ochiai, the Federal Circuit provided a detailed clarification of what it perceived to be a frequent misunderstanding among examiners:

The use of per se rules, while undoubtedly less laborious than a searching comparison of the claimed invention -- including all its limitations -- with the teachings of the prior art, flouts section 103 and the fundamental case law applying it. Per se rules that eliminate the need for fact-specific analysis of claims and prior art may be administratively convenient for PTO examiners and the Board. Indeed, they have been sanctioned by the Board as well. But reliance on per se rules of obviousness is legally incorrect and must cease. Any such administrative convenience is simply inconsistent with section 103,

which, according to Graham and its progeny, entitles an applicant to issuance of an otherwise proper patent unless the PTO establishes that the invention as claimed in the application is obvious over cited prior art, based on the specific comparison of that prior art with claim limitations. We once again hold today that our precedents do not establish any per se rules of obviousness, just as those precedents themselves expressly declined to create such rules. Any conflicts as may be perceived to exist derive from an impermissible effort to extract per se rules from decisions that disavow precisely such extraction.

In re Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Therefore, claim 7 is patentable because the Examiner has not established a prima facie case of obviousness regarding the elements of claim 7.

Rejection of Claims 13, 14, and 20-23 Under §103(a) Over Jingu In View Of Berman

Berman relates to an image manipulation system including display monitors for displaying digital images, each of the monitors including at least one of image display windows, wherein each window is capable of displaying at least on of the digital images.

Applicant submits that claims 13, 14, and 20-23, which depend from claim 1, are patentable for at least the reasons submitted for claim 1 and because Berman fails to make up for the deficiencies of Jingu.

In addition, or alternatively, Applicant submits that claims 13, 14, 20, and 21 are patentable because the references fail to teach, suggest, or provide motivation for an output unit

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for outputting a hard copy (claims 13, 20, and 21) and a dry printer (claim 14). In the section cited by the Examiner as teaching the claimed output units, Berman discloses the use of x-ray prints, MRI images, other medical images, and "hard" prints, however, there is no mention or suggestion of an output unit as claimed. Col. 1, lines 43-54. Moreover, Berman discloses the use of "hard" prints for a conventional system in the discussion of the background of the invention and does not teach, suggest, or provide motivation for the use of such prints in a digital image display system. Thus, the disclosure of Berman cited by the Examiner would rather teach away from the claimed medial image display system including a plurality of flat panel displays.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

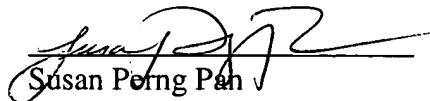
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